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HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) No. 4034 of 2007

PETITIONER : KUSHAL SINGH SAHU S/o Hariram SAhu, Aged about 42 Yrs. Resident Of Village, Bevarti, Tahsil and District Kanker (North Bastar) C.G.

VERSUS

RESPONDENTS : 1. STATE OF CHHATTISGARH Through – Secretary Health (Veterinary Services) D.K.S. Bhawan Mantralaya Raipur (C.G.
2. DEPUTY DIRECTOR Veterinary Services Distt. – Kanker (North Bastar) C.G.
3. COLLECTOR Kanker (North Bastar) C.G.

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Single Bench : Hon'ble Justice Shri Satish K. Agnihotri.

Present: Shri Prakash Tiwari, Advocate for the petitioner.
Shri Arvind Dubey, Panel Lawyer for the State/respondents.

ORDER
(Passed on 12th day of July, 2007)

1. The petitioner was appointed as Part-Time Sweeper on daily wages basis vide order dated 01.11.1995 (Annexure P/2). Thereafter, the services of the petitioner was converted to Full-time on daily wages basis vide order dated 21.02.1997 (Annexure P/3). The services of the petitioner was considered alongwith others and on account of non-availability of sanctioned post, the services of the petitioner on daily wages basis was discontinued vide order dated 28.06.2000 (Annexure P/7).

2. The petitioner has impugned the said order in this petition on the ground that once the petitioner has been granted Full-Time engagement, there is no reason to remove him from service without giving him any proper opportunity of hearing.

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3. It is well settled principle of law that a daily wages employee has no right to the post as the appointment itself is dehors the constitutional scheme of employment and not in accordance with rules and regulations framed under Article 309 of the Constitution of India. The petitioner was never regularised in service. Only his services from Part-Time engagement was converted into Full-Time engagement and that does not confer any right on the petitioner, as the basic appointment itself was not in accordance with the constitutional provisions of law.

4. The impugned order stating that there is no vacancy available for regularisation of the petitioner is perfectly valid and in accordance with law. The petitioner has no right which can be enforced by this Court in exercise of its jurisdiction.

5. In view of the foregoing, the petition is dismissed, summarily.

Sd/-
Satish K. Agnihotri
Judge

Amit